



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,167	07/16/2003	Steven F. Burson	01-7083	2201

32681 7590 05/18/2004

PLANTRONICS, INC.
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ, CA 95060-0635

EXAMINER

FIGUEROA, FELIX O

ART.UNIT PAPER NUMBER

2833

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,167

Applicant(s)

BURSON ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The present invention provides," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 9, 10 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (US 5,540,599).

Bishop discloses an interface comprising: a first contact interface system for receiving a male connector, the first interface system comprising a housing (12) with a front surface (26), wherein the front surface includes an aperture (at 18) leading to a well within the housing, and wherein a first positive contact and a first negative contact are disposed within the well; and a second contact interface system comprising

conductive contacts (24) disposed on the front surface outside the aperture, wherein the conductive contacts comprise a second positive contact (20) and a second negative contact (22); wherein the aperture receives a charging member (44) to detent the second positive contact and the second negative contact with corresponding contacts (46,48).

Regarding claim 3, Bishop discloses both the first contact interface system and the second contact interface system utilize the aperture in the front surface to mate with corresponding contacts on a charger.

Regarding claims 4 and 5, please note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*.

Regarding claim 18, Bishop discloses a charging interface comprising: a housing (12) with a front surface (26); wherein the front surface includes a single aperture (at 18) leading to a well within the housing, and wherein the single aperture provides access to a first charging interface disposed within the well; and a second charging interface comprising conductive contacts (24) disposed on the front surface outside the aperture, wherein the single aperture may receive a member (44) to align and detent the conductive contacts with corresponding contacts.

Regarding claim 19, please note that the edge of the aperture (at 18) defines a semi-spherical surface.

Regarding claim 20, Bishop discloses the aperture being substantially circular.

Regarding claim 21, Bishop discloses mounting means (14,16).

Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripod (US 2003/0045174).

Tripod discloses an comprising: a first contact interface system for receiving a male connector comprising a housing (10) with a front surface (at 14), wherein the front surface includes an aperture leading to a well within the housing, and wherein a first positive contact (left 28) and a first negative contact (right 28) are disposed within the well; and a second contact interface system (at 14) comprising conductive contacts (end of 28 in contact with 14) disposed on the front surface outside the aperture, wherein the conductive contacts comprise a second positive contact and a second negative contact; wherein the aperture receives a charging member (22). Regarding the language "to detent...", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop in view of Wallo (US 3,467,940).

Bishop discloses substantially the claimed invention except for the spring coil. Wallo teaches the use of a spring coil (29) on the first contact (14) to provide a ground / short-circuit connection when the contacts are not in use. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the first contact of Bishop comprising a spring coil, as taught by Wallo, to provide a ground / short-circuit connection when the contacts are not in use.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop.

Bishop discloses substantially the claimed invention except for its direct electrical connection to a rechargeable battery. However, it would have been obvious to one skill in the art at the time the invention was made to use the interface of Bishop with different devices, such as a rechargeable battery in order to provide an efficient electrical connection.

Response to Arguments

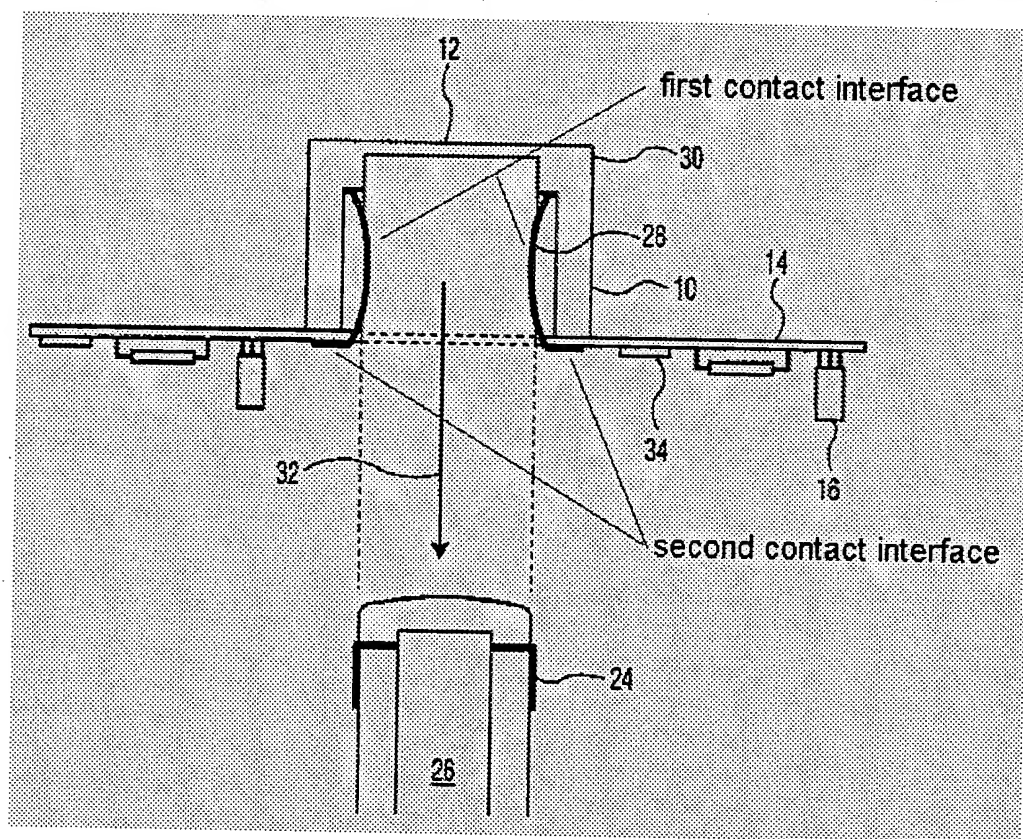
Applicant's arguments filed February 5, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments (regarding claim 1) that Bishop "does not teach or suggest a first and second contact interface system, both of which may utilize the same aperture in a housing", it is noted that the features upon which applicant relies are not recited in the rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, please note that a recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

In response to Applicant's arguments that Bishop "does not teach or suggest the use of the aperture of the fixed coaxial connector socket with the parallel rows of electrical contacts", it is noted that the fixed coaxial connector socket and the electrical contact are in the same connector housing, thus one is used with the other.

In response to Applicant's arguments regarding Tripod, see the following figure.



In response to Applicant's arguments (regarding claim 18) that Bishop "does not teach or suggest a charging interface which utilized a single aperture in both a first

charging interface and a second charging interface", it is noted that the features upon which applicant relies are not recited in the rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, it is noted that this recitation merely recites an intended use of the claimed invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

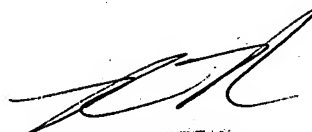
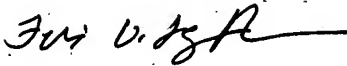
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fffr



RENEE LUEBKE
PRIMARY EXAMINER